

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.1525 OF 2019

VITHAL DATTATRAY UNAWANE AND ORS
VERSUS
SUSHILABAI SHANTILAL GUGALE AND ORS

...
Advocate for Petitioners : Mr. Pathan Zafar M
Advocate for Respondent No.3: Mrs. M. D. Tambe
...

CORAM : V. K. JADHAV, J.
DATED : 4th March, 2020

PER COURT :-

1. By consent, this writ petition can be disposed of.
2. By impugned order dated 24.10.2018 below Exhibit-29 in Regular Civil Suit No.831 of 2014, the trial Court has rejected the application (Exhibit-29) mainly on the ground that the petitioners - plaintiffs have not stated about the formal defects in the suit. It has been stated in the application Exhibit-29 that the Junior advocate from the bar has drafted a plaint and he has committed certain mistakes in prayer clause, so also in the pleadings inadvertently. However, it appears that the trial Court has rejected the application (Exhibit-29) mainly on the ground that in the application (Exhibit-29), the said formal defects have not been detailed.

3. In view of the same, this writ petition can be disposed of by granting liberty to the petitioners - plaintiffs to file detail application afresh for withdrawal of suit and the trial Court may consider the same on its own merits afresh. Order accordingly.

4. Needless to say that the order impugned is hereby quashed and set aside.

5. The writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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